

REMARKS

Claims 1-10 currently appear in this application. The Office Action of April 9, 2003, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claim Objections

Claim 3 is objected to because the term "thought" in line 9 should be replaced by -through--.

The present amendment effects this change.

Rejections under 35 U.S.C. 112

Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claims 1, 2, 5 and 10 have been amended to clarify the invention for which patent protection is sought.

Referring to Figure 1, the exciter [filter] or bandpass filter is identified as element 3 on this figure. The claims have been amended to clarify that these are two types of filters. This is described in the specification as

filed on page 8, paragraph 0026. Likewise, a longpass filter or barrier filter is shown in Figure 1 as 8. This is described in the specification as filed on page 9, paragraph 0026.

Art Rejections

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Coates.

This rejection is respectfully traversed. Coates relates to optical measurement of very narrow lines such as conductors in electronic integrated circuits. Coates includes a microscope for collimating light generated by a mercury arc lamp. Light generated by the mercury arc lamp is collimated by a lens, filtered by a narrow pass band blue filter, reflected by a dichroic beamsplitter and focused by the microscope objective lens upon the surface of a specimen mounted on a conventional adjustable XY stage. This apparatus is not at all like the apparatus of the herein claimed invention, in which there is no microscope for magnifying the images.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Metz. Metz uses an argon ion laser emitting at a wavelength of 488 nm as a light source. Because of the use of a laser light source, there is a need for a holographic

barrier filter, which is not required in the method of the present invention.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Neel.

This rejection is respectfully traversed. Claim 3 is deemed allowable because of the limitations that a fluorescence detection device comprise a light guide, an excitation or bandpass filter, a dichroic beamsplitter, and a separate longpass or barrier filter. Claim 6 has been amended to recite that light is transmitted through a barrier filter or a longpass filter and that it is this light that is observed to detect fluorescence.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neel as applied to claim 6 above and further in view of Chu.

This rejection is respectfully traversed. Claim 3 is deemed allowable because of the limitations that a fluorescence detection device comprise a light guide, an excitation or bandpass filter, a dichroic beamsplitter, and a separate longpass or barrier filter. Claim 6, on which claim 7 depends, has been amended to recite that light is transmitted through a barrier filter or a longpass filter.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neel as applied to claim 6, above, and further in view of Eckstrom.

This rejection is respectfully traversed. As noted above, claim 6 has been amended to recite that the light is transmitted through a longpass or barrier filter, which limitations were deemed to make claim 3 allowable. Since claims 8 and 9 depend from claim 6, it is respectfully submitted that claims 8 and 9 are now allowable.

Allowable Subject Matter

Claims 3-4 are allowed. Claims 5 and 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action of April 9, 2003, and to include all of the limitations of the base claim and any intervening claims.

In view of the amendments to the claims, it is respectfully submitted that there is no requirement to rewrite claims 5 and 10, as it is believed that claims 5 and 10 now depend from allowable claims.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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